

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

KYNASTON SCOTT]
Petitioner,]
] No. 3:05-0713
v.] Judge Trauger
WAYNE BRANDON]
Respondent.]

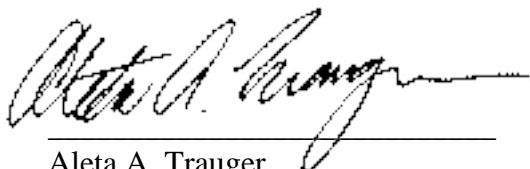
O R D E R

In accordance with the Memorandum contemporaneously entered, the Court finds that the petitioner has failed to state a claim upon which relief can be granted. Accordingly, the instant § 2254 petition (Docket Entry No. 1) for writ of habeas corpus is DENIED and this action is hereby DISMISSED. Rule 8(a), Rules -- § 2254 Cases.

Should the petitioner file a timely notice of appeal from this order, such notice shall be treated as an application for a certificate of appealability, 28 U.S.C. § 2253(c), which will NOT issue because the petitioner has been unable to make a substantial showing of the denial of a constitutional right.

Entry of this order shall constitute the final judgment in this action.

It is so ORDERED.



Aleta A. Trauger
United States District Judge